SUPERIOR COURT OF THE STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

1 The Circle, Suite 2 GEORGETOWN, DE 19947

March 11, 2013

John W. Paradee, Esq. Prickett, Jones & Elliott, P.A. 11 North State Street Dover, DE 19901 Daniel A. Griffith, Esq. Whiteford, Taylor & Preston, LLP 1220 N. Market Street, Suite 608 Wilmington, DE 19801

RE: Stingray Rock, LLC v. The Board of Adjustment of the City of Rehoboth Beach

C. A. No: S11A-07-010 ESB

Dear Counsel:

I have denied the Motion for Reargument filed by the Board of Adjustment of the City of Rehoboth Beach. In reaching my decision in this case, I was interpreting the meaning of a specific zoning ordinance, Section 215-7 (B) of the Rehoboth Beach City Code. I was not interpreting the meaning of the laws and rules governing the sale of alcoholic beverages. In my view, the meaning of those laws and rules is of no help in determining the meaning of the zoning ordinance. I also note that the Board never raised this argument in the briefing, making it inappropriate to raise it at this time.

I -am satisfied that there is no absolutely doubt that Stingray was seeking an

<sup>&</sup>lt;sup>1</sup> 4 Del. C. §§543(g) and (h) and Rule 42.1.

area variance from the 5,000 square foot limitation on restaurant floor space as set forth in Section 270-28. It was not requesting a variance for a use that is not permitted in the C-3 zoning district. Therefore, I have rejected the arguments made by the Board.

IT IS SO ORDERED.

Very truly yours,

/s/E. Scott Bradley

E. Scott Bradley

ESB/sal